

## **20.1.0 INTRODUCTION**

The federal Office of Refugee Resettlement (ORR) in the Administration for Children and Families administers the Refugee and Entrant Program, to which we will be referring as Refugee Assistance Program (RAP). The Department of Workforce Development submits a state plan to operate the refugee program. For the purpose of this manual, Refugee Assistance Program (RAP) consists of Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) which provide temporary assistance to help arriving refugees while they become self-sufficient. "Refugee," unless otherwise indicated, will include refugees, asylees, Cuban-Haitian entrants, Victims of Trafficking and any other categories eligible for refugee benefits under federal law.

RCA is modeled upon the W-2 payment system, and RMA is a part of the Medical Assistance (MA) program, providing an MA card and benefits to indigent arriving refugees who are not eligible for MA due to a lack of categorical eligibility. Refugees receiving RCA are referred to refugee employment and training services.

Refugees generally enter the U.S. without income or assets with which to support themselves during the first few months here. Families with children under age 18 are generally eligible for support under Wisconsin Works (W-2). Refugees who are aged, blind and disabled may receive assistance from the federally administered Supplemental Security Income (SSI) program. Refugees eligible for these two programs may be enrolled in the Medicaid program, which provides medical assistance for low-income individuals and families.

Refugees who meet the income and resource eligibility standards of the W-2 or Medicaid programs, but are not otherwise eligible – such as single individuals, childless couples, and two-parent families with no children under 18 years of age – may receive benefits under the special RCA and RMA programs. Eligibility for these special programs is restricted to the first eight months in the U.S., except for asylees and victims of trafficking, the date a certification or eligibility letter is issued by ORR.

## **20.2.0 ELIGIBILITY FOR OTHER PROGRAMS**

Determine eligibility for Wisconsin Works (W-2) before determining eligibility for Refugee Cash Assistance (RCA). Determine each refugee, asylee, and entrant's eligibility for W-2 and MA, and refer for SSSI if appropriate. A client is not eligible for RCashA if s/he is eligible for or

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receiving W-2, or receiving SSI. There is no eligibility for RMA if s/he is eligible for or receiving MA.

This applies to all refugees, asylees, and entrants whether they: (1) accept or refuse benefits from other programs, or (2) are ineligible due to failure to comply with any eligibility requirement.

## **20.2.1 Wisconsin Works (W-2)**

Determine first if the person is eligible for W-2. If s/he meets W-2 financial eligibility requirements but does not meet W-2 nonfinancial eligibility requirements, then determine his/her eligibility for RCA.

### **20.2.1.1 MA, RMA and BadgerCare**

Determine if each individual in the household is eligible for MA. If s/he is not eligible for MA, then determine his/her eligibility for BadgerCare. If s/he is eligible for BadgerCare at application, s/he is not eligible for RMA.

Use the AFDC-related financial eligibility standards for MA to determine eligibility for RMA. Refugee applicants who are in the first eight months of resettlement and who meet the financial eligibility criteria for MA but fail the non-financial eligibility criteria are eligible for RMA.

A refugee, asylee, or entrant does not have to apply for or receive a cash payment to be eligible for RMA. But a refugee, asylee, or entrant who is receiving a RCA cash payment is eligible for RMA without a separate application.

Once the applicant is determined eligible, s/he is entitled to eight months of RMA from his/her date of entry. If a recipient of RMA obtains employment while receiving RMA, extend RMA for the balance of the eight-month period of eligibility. Do not terminate RMA regardless of the level of income or earnings, and regardless of the source of income, e.g., W-2, RCA, unsubsidized employment.

Apply the medically needy financial standards when determining eligibility for those who are not receiving a cash payment. Use the standards appropriate to the age and disability of the applicant: use the Medically Needy standards Elderly, Blind or Disabled (EBD) group for those over age 64 or disabled (see MA Handbook (MAHB) Appendix 30.5.0 and the EBD budgeting methodology). For childless persons

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under age 65, use the AFDC-Related Medically Needy income limits found in the MAHB Appendix 30.4.0. This group does not have an asset limit. Also follow the AFDC-related MA budgeting methods from the MAHB for childless persons under age 65. In determining RMA eligibility, do not consider in-kind services and shelter provided to an applicant by a sponsor or voluntary resettlement agency. Do not consider cash payments from RCA or from the voluntary resettlement agency. Consider only the applicant's income and resources on the date of application, without prospective averaging of income.

If an applicant has income which exceeds the limits for MA or BadgerCare, you must allow for them to spenddown to those income limits with medical expenses. The spenddown policy instructions are in the MAHB Appendix 20.

RMA services must be provided in the same manner and to the same extent as MA.

Once the applicant is determined eligible s/he is entitled to RMA for eight months from his/her date of entry. If a refugee, who is receiving MA and has been in the country for less than eight months, becomes ineligible for MA because of earnings from employment but does not qualify for an MA extension, the refugee must be transferred to RMA *without an eligibility redetermination* for the remainder of the RMA eligibility period. Do not determine BadgerCare eligibility at this point, but transfer to RMA for the balance of the RMA eligibility period. At the end of the RMA eligibility period, redetermine eligibility for Medicaid and BadgerCare.

#### **20.2.1.2 Supplemental Security Income (SSI)**

Refer any refugee, asylee, or entrant age 65 or older, or who is blind or disabled to the Social Security Administration to apply for SSI. Determine eligibility for RCA and RMA until SSI begins, as long as they are still within the first 8 months eligibility period.

When you learn that SSI has been paid for the same month as a RCA, you must attempt to recover the payment. Refer to recoupment procedures in the W-2 Manual.

#### **20.2.1.3 The Matching Grant Program**

The Matching Grant Program provides federal matching grants to national voluntary refugee resettlement agencies, otherwise referred to

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as “volags.” The Matching Grant Program provides funding for food, shelter, and other support for the second through fourth months the refugee is in the country. Please refer to the list of volags with possible access to matching grants.

A refugee who receives or is eligible to receive financial assistance from the Matching Grant Program, may still receive Refugee Medical Assistance, but is not eligible for cash assistance during the second through fourth months in the U.S. The FEP should notify the volag that the refugee is applying for public assistance and determine whether the refugee is participating in the Matching Grant Program.

#### 20.2.1.4 Date of Entry/Grant of Status

A refugee, asylee or entrant may receive financial or medical assistance, or both from the RAP for up to eight months. The eight-month clock begins the date s/he entered the United States (U.S.), or the date the grant of asylum was made. Thus, you may need to calculate a prorated grant for the first and last month's benefits.

<b>EXAMPLE:</b> If a refugee entered the US on 08-16-02, the eight months period expires on 04-15-03.
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Partial payments will be issued during the first month of application, and the final month. For example: if the refugee applies on 08-17-02, pro-rate the initial payment from the eligibility begin date through the end of the month. When a refugee will reach the end of the eight-month eligibility period, provide notice of the termination of eligibility at least 10 days prior to the termination date.

(See forms DWSM-13753-E, DWSM-13753-E-B, DWSM-13753-E-R; DWSM-13758-E, DWSM-13758-E-B, DWSM-13758-E-R; DWSM-13767-E, DWSM-13767-E-B, DWSM-13767-E-R; DWSM-13768-E, DWSM-13768-E-B, DWSM-13768-E-R; and DWSM-13769-E, DWSM-13769-E-B, DWSM-13769-E-R. These notices are in English, BCS (Bosnian-Croatian-Serbian) and Russian.)

Pro-rate the final payment from the beginning of the month to the end of eligibility.

If a refugee, asylee, or entrant has not received RCA or RMA in the eight-month time period from the date s/he entered the U.S. or acquired

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asylum status, s/he is no longer eligible for this assistance. There is no future eligibility for these programs.

**EXAMPLE:** A refugee applies for RCA and RMA on 10-03-02, after being in the US for nine months. Deny the application because the period of eligibility has lapsed.

Asylees may have been temporarily in the United State prior to being granted asylum status. Their eligibility clock begins with the date they were granted asylum, as indicated on their asylum letter.

For victims of trafficking, the “entry date” is the date of certification, which is contained in the certification letter.

#### **20.2.2.0 NON-FINANCIAL ELIGIBILITY**

Eligibility for Refugee Cash Assistance is based on:

1. Ineligibility for W-2, MA and Badger Care;
2. Immigration Status;
3. Date of entry into US;
4. Financial need based on W-2 financial eligibility criteria, and
5. Compliance with employment and training requirements.
6. Lack of Student status.

#### **20.2.2.1 Immigration Status**

Individuals with any of the following statuses meet the *Immigration Status* requirement for Refugee Cash or Medical Assistance:

1. Individuals paroled as refugees or asylees under §212(d)(5) of the Immigration and Nationality Act (INA);
2. Refugees admitted under §207 of the INA ;
3. Asylees whose status was granted under §208 of the INA ;
4. Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2;
- Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or

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- Haiti, regardless of the status of the individual at the time assistance or services are provided.
- A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
  - A national of Cuba or Haiti who has an application for asylum pending with the INS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
5. Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in §101(e) of Public Law 100-202 and amended by the 9<sup>th</sup> proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended), and
  6. The Trafficking Victims Protection Act of 2000, Pub.L.No.106-386, division A, 114 Stat. 1464 (2000) makes adult victims of severe forms of trafficking who have been certified by the US Department of Health & Human Services eligible for refugee benefits. Children who are victims of trafficking do not need to be certified.

#### 20.2.2.2 Sponsor

There are two different types of sponsors: 1) a formal sponsor is a person who agrees to financially support an immigrant and signs a legally enforceable Affidavit of Support. This sponsor's income is deemed (considered available) when calculating eligibility for W-2, food stamps, and Medical Assistance benefits. However, refugees do not have the kind of legally responsible sponsors whose income is used in the determination of eligibility. The incomes of these sponsors are **not** subject to deeming in the determination of any other public benefit.

A volag or a state governmental agency working with the federal government has resettled most refugees and entrants. Hebrew Immigrant Aid Society (HIAS), United States Catholic Conference (USCC), Lutheran Immigration & Relief Services (LIRS), and Immigration and Refugee Services of America (IRSA) are the most common volags operating in Wisconsin to resettle refugees.

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Contact the volag and ask what assistance that sponsor is giving to the refugee, asylee, or entrant. Enter this information in the case record. Include the name of the refugee caseworker and voluntary resettlement agency's name and address. Work closely with these providers since they have linguistically and culturally appropriate staff as a resource. (See E&T Section 4.0.0)

### **20.3.0 FINANCIAL ELIGIBILITY**

Use the W-2 financial eligibility criteria found in *Chapter 3*.

#### **20.3.1 Assistance Group**

The assistance group is limited to the primary person and his/her spouse. Married couples without children form their own assistance groups. Each single adult forms her/his own assistance group, even if living in the same household with other W2 or RCA groups.

#### **20.3.2 Unavailable Resources**

When determining financial eligibility and the amount of assistance, count financial resources that are available to the refugee or entrant. Resources considered to be not available include, but are not limited to, resources remaining in the country of origin, whether owned by the refugee, asylee or entrant or by a responsible relative. Disregard income or resources of the informal sponsor. Do **not** count Reception and Placement money provided by the voluntary agency as the refugee's income.

#### **20.3.3 Payment Levels**

RCA will consist of three payments levels consistent with those payments for W-2 Trial Jobs, Community Service Jobs and W-2 Transitions. The payment level will be assigned on the basis of level of job readiness. The monthly payment amount will be the same as under W-2 for the appropriate level (CSJ or W2T) for each month in which the participant meets employment and training requirements. The W2 agency may also make a subsidy payments to an employer to help a refugee obtain employment, in accordance with the rules for Trial Jobs. Payment amounts are not reduced on an hourly basis for lack of participation. Rather, failure to participate will be treated as a sanctionable event, as indicated in 4.4.0. The W-2 agency must produce the payment manually since RCA does not use the W-2 payment mechanism.

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Eligibility begins on date of application. Eligibility must be determined within seven working days of the first meeting with the FEP. The initial payment must be made within five working days following determination of eligibility and each monthly payment shall be made by the first of the month thereafter.

Eligibility ends eight months after the date of arrival in the United States. Therefore, the agency may need to make pro-rated payments at the beginning and end of any eligibility period, based upon the number of days eligible in relationship to the number of days in the month.

#### **20.4.0 EMPLOYMENT & TRAINING (E&T)**

All refugees must be enrolled in Employment and Training Services within 30 days of a determination of eligibility for RCA. The E&T provider may be the Food Stamp Employment & Training (FSET) provider or Refugee E&T provider who can provide culturally and linguistically appropriate services. Participants may be co-enrolled in both the FSET and Refugee E&T program. In order to receive transportation funding from FSET and bilingual assistance resolving health-related problems, both FSET worker and Refugee E&T provider must coordinate appropriate services. For FSET eligible refugees, participation in FSET meets the criteria for participation in Refugee E&T. Participation in E&T under the Refugee or Match Grant program meets participation requirements for FSET.

Refugees who are FSET mandatory may be referred to either the FSET provider or the Refugee E&T provider, whichever agency is best able to serve the participant. Refugees who are not FSET mandatory must be referred to the Refugee E&T provider. If there is more than one adult in the case, both must be referred.

Participation in employment-related services will include any allowable services, as identified in the self-sufficiency plan developed by the refugee E&T provider or FSET worker in consultation with the client. These include but are not limited to:

1. Employment services, including development of a family self-sufficiency plan, world-of-work and job orientation, job clubs, job workshops, job development, referral to job opportunities, job search, and job placement and follow-up;



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2. Employability assessment services, including aptitude and skills testing;
3. English language instruction, including Vocational English as a Second Language (VESL), English as Second Language (ESL) must be concurrent with other services;
4. Vocational training, including driver education;
5. Skills recertification;
6. Trial job;
7. Work experience;
8. Transportation;
9. Translation and interpreter services;
10. Case management services; and
11. Assistance in obtaining Employment Authorization Documents (EADs).

In addition, the E&T provider may provide the following services:

1. Outreach services, including activities designed to familiarize refugees with available services, to explain the purpose of these services, and facilitate access to these services, and
2. Social adjustment services. Since refugees come from other countries, including many with much different cultures, prior to or concurrent with job-seeking services, the service provider may want to provide or refer the refugee to specific services that help with the acculturation process. These might include:
  - Emergency services, including assessment and short-term counseling to persons or families in a perceived crisis or those suffering from post-traumatic stress disorder; referral to appropriate resources; and/or making the arrangements for necessary services;
  - Health-related services, including information about the health care system; referral to appropriate resources; assistance in scheduling appointments and obtaining services; and one-on-one counseling or workshops to individuals or families to help them understand and identify their physical and mental health needs and maintain or improve their physical and mental health;
  - Home management services, including formal or informal instruction to individuals or families in management of household budgets, home maintenance, nutrition, housing standards, tenants' rights, and other consumer education services.
  - Transportation, translation and interpreter services, and case management services, when these are necessary for a purpose other than in connection with employment or participation in employability services.

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#### **20.4.1 Exemptions**

No one is exempt from the employment and training requirement. However, all activities required in the employment plan must be consistent with the needs and abilities of the participant.

#### **20.4.2 E&T Provider List**

A list of specialized employment and training service providers for refugees is located in the *Appendix IX*. This list identifies providers who are funded by the Immigrant Integration Section. Participation in a program offered by one of the listed providers meets the requirements for participation in the FSET program.

#### **20.4.3 Employed Recipients**

If a refugee, asylee, or entrant is both employed but income-eligible for financial assistance, the agency can make a prorated CSJ payment. If a participant is working ten or fewer hours in a week, (s) he is eligible for 2/3 of a CSJ payment; if employed between ten and 20 hours per week, eligible for ½ CSJ; and if employed between 20 and 30 hours per week, eligible for 1/3 CSJ.

#### **20.4.4 Refusal to Comply**

A refugee, asylee or entrant must comply with any appropriate employment and training assignment, go to a job interview arranged by an employment and training agency, and accept any appropriate offer of employment. To be considered appropriate, employment or training must meet all of the following:

- Training must be within the scope of the participant's employability plan.
- Services or training must be related to the ability of the person to perform the task on a regular basis. Any claim of adverse effect on the participant's physical or mental health must be documented by a physician, or licensed or certified psychologist.
- The work site must meet federal, state and local health and safety requirements.

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- Assignments to work or training may not be made which discriminate based on age, sex, race, creed, color, or national origin.
- Appropriate work may be temporary or permanent, full or part time, or seasonal.
- Wage paid must meet or exceed the lower of federal or state minimum rate.
- Daily and weekly hours of work may not exceed the hours usually worked in this job.

Do not require the participant to accept employment if:

- The job is vacant due to a strike, lockout, or other bona fide labor dispute.
- Violates the rules of his/her existing union membership. However, employment not governed by that union's rules might be deemed appropriate.
- Make sure that the training meets the quality of training required by local employers, so that the participant is able to compete in the local labor market. Training must be designed to be likely to lead to employment.

If a participant fails to participate without good cause, the employment and training provider must immediately notify the FEP. It is important, though, that FEPs apply good cause in a culturally competent manner.

**EXAMPLE:** A practicing Muslim (whose religion prohibits the eating of pork or use of alcohol) cannot be sanctioned for refusing to butcher pigs or serve alcohol. The individual would have “good cause” for rejecting such an offer.

Give the refugee, asylee, or entrant at least 10 days advance written notice of the action and the reason for it. The notice must be in English and translated into the recipient’s language, or give a verbal translation. Apply these sanctions when reconciliation fails and the participant refuses to cooperate. Apply a first time sanction for three months, and any subsequent sanction for six months. Because RCA can only be given for the first eight months a refugee is in the country, a second sanction is permanent.

#### 20.4.5 Full Time Students

Refugees who are enrolled as full-time students in an institution of higher education are not eligible for receipt of RCA.

#### **20.4.6 Fair Hearings**

The state will use the fair hearing procedure used in food stamps and medical assistance to resolve disputes.

#### **20.5.0 DOCUMENT RETENTION**

Include in the case record:

1. Photo copy of INS form I-94, or letter of asylum or certification of trafficking;
2. Name of the voluntary resettlement agency and refugee case worker;
3. Date of entry into the US or, for asylees, date of grant of asylum, or date of trafficking determination; and
4. Referral for E&T services to either the FSET program or the refugee E&T agency.

#### **20.6.0 REVIEW**

If a participant becomes employed, (s) he must notify the caseworker within ten days. A participant must notify the FEP within ten days of any change in income or family status. Because of the short eligibility period, there is no required review period for RCA, but eligibility should be reviewed whenever a participant is scheduled for a regular review of any other benefits administered by the W-2 agency.

#### **20.7.0 EXPENDITURE AND REIMBURSEMENT**

See the Accounting Manual - Economic Support, and the Forms Repository.